

# Embry-Riddle Aeronautical University Exemption Request

**Petition for exemption requestor:** Kenneth Byrnes  
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**Embry-Riddle Aeronautical University is seeking an exemption from the following section of Title 14 of the Code of Federal Regulations (CFR):**

Embry-Riddle Aeronautical University is seeking an extension to exemption no. 17862A pertaining to 14 CFR part 61.160(b)(3)(i) and 61.160(b)(3)(ii):

(i) The required ground training was completed as part of an approved part 141 curriculum at the institution of higher education; and

(ii) The required flight training was completed as part of an approved part 141 curriculum at the institution of higher education or at a part 141 pilot school that has a training agreement under § 141.26 of this chapter with the institution of higher education; and

**Rational for the exemption request:**

While the majority of current instrument and commercial training is completed under the university's FAA 141 air agency certificate (NX4S404M), Embry-Riddle is unique as it is one of a few schools, if not the only school, that holds and has provided, instrument and commercial training under a part 142 FAA air agency certificate (NX4X404M). The university invested heavily in high fidelity, flight simulation training devices (FTSD) in 2003. These FSTDs represent primary training aircraft such as Cessna 172, Piper Seminole, and Diamond Twin Star.

Using these resources, the university provided training for all certificates and ratings (including instrument and commercial) under university's part 142 FAA air agency certificate (NX4X404M). Specifically, the university provided instrument and commercial training to students who matriculated to the university between 2003 and 2011 under the 142 air agency certificate. In 2010, changes to the 8900 guidance resulted in the university making the decision to phase out instrument and commercial training under FAA part 142. Although it has been some time since we used part 142 for training the instrument and commercial courses we still have previous graduates who did complete training under part 142 requesting R-ATP authorization.

It is the university's intent to seek approval, for students who matriculated into the university's Aeronautical Science before the start of the 2012 academic year, who subsequently completed their instrument and/or commercial training under FAA part 142, to be eligible for the restricted privileges airline transport pilot (ATP) certificate in accordance with 61.160 (b) or 61.160 (d).

The university assumes that this is a reasonable request for the following reasons:

1. This exemption has been granted previously.
2. The 142 preamble encouraged part 141 schools to apply for 142 training center certification if they intended to employ the use of advanced training devices (p. 34510).
3. The 142 preamble also contests that approved training programs are considerably more detailed and instructors are subject to more demanding qualifications under FAA part 142 (p. 34523).
4. The training program curriculum requirements under 142.39 are more stringent than those found under part 141.
5. The training center instructor eligibility requirements under part 142.47 are more stringent than those found under part 141.
6. The training center instructor and evaluator privileges and limitations under part 142.49 are more stringent than those found under part 141.
7. The training center instructor training and testing requirements under part 142.53 are more stringent than those found under part 141.
8. The training center evaluator requirements under part 142.55 are more stringent than those found under part 141.
9. The flight simulators and flight training devices required under part 142.59 must be qualified and maintained to a high level than devices used under part 141.

Summarizing the reasons above, training under conducted under 14 CFR part 142 requires a higher standard for instructor and evaluator training, courses taught under 14 CFR part 142 go through a more detailed approval process and have greater FAA oversight, and flight simulation training devices approved under 1 CFR part 142 have higher fidelity, must be maintained to a higher level, and require annual qualification.

**Public benefit of exemption approval:**

Embry-Riddle estimates that it issued over 2000 certificates and ratings under 14 CFR part 142. It is assumed that many of those students have already met the airline transport pilot requirements of 61.159 and are actively employed in part 91, 121, or 135 operations. However, there is a cadre of Embry-Riddle graduates that have not met the

1500 hour requirement under 61.159 but do meet the requirements of 61.160(b) or 61.160(d) with the exception of 61.160(b)(3)(i) and 61.160(b)(3)(ii). Not granting this request will slow our graduates' entry in the pilot workforce, hindering both their career and the airline industry's ability to serve the public.

**Impact on safety:**

Since 14 CFR part 142 requires higher personnel, curriculum, and equipment standards approval of this request will not impact safety.

**Summary for Federal Register:**

Embry-Riddle Aeronautical University is seeking an extension to exemption no. 17862A pertaining to 14 CFR part 61.160(b)(3)(i) and 61.160(b)(3)(ii).

It is the university's intent to seek an extension to exemption 17862A for students who matriculated into the university's Aeronautical Science degree program before the start of the 2012 academic year, who subsequently completed their instrument and/or commercial training under FAA part 142 at Embry-Riddle Aeronautical University, to be eligible for the restricted privileges airline transport pilot (ATP) certificate in accordance with 61.160 (b) or 61.160 (d). Although it has been some time since we used part 142 for training the instrument and commercial courses we still have previous graduates who did complete training under part 142 requesting R-ATP authorization.

The university assumes that this is a reasonable request for the following reasons:

1. This exemption has been granted previously.
2. The 142 preamble encouraged part 141 schools to apply for 142 training center certification if they intended to employ the use of advanced training devices (p. 34510).
3. The 142 preamble also contests that approved training programs are considerably more detailed and instructors are subject to more demanding qualifications under FAA part 142 (p. 34523).
4. The training program curriculum requirements under 142.39 are more stringent than those found under part 141.
5. The training center instructor eligibility requirements under part 142.47 are more stringent than those found under part 141.
6. The training center instructor and evaluator privileges and limitations under part 142.49 are more stringent than those found under part 141.
7. The training center instructor training and testing requirements under part 142.53 are more stringent than those found under part 141.

8. The training center evaluator requirements under part 142.55 are more stringent than those found under part 141.
9. The flight simulators and flight training devices required under part 142.59 must be qualified and maintained to a high level than devices used under part 141.

Summarizing the reasons above, training under conducted under 14 CFR part 142 requires a higher standard for instructor and evaluator training, courses taught under 14 CFR part 142 go through a more detailed approval process and have greater FAA oversight, and flight simulation training devices approved under 1 CFR part 142 have higher fidelity, must be maintained to a higher level, and require annual requalification.